

This is the link for Case:

<http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/qld/QCAT/2020/47.html>

**1. Summarise the case you have given. (500 words)**

The case was conducted against Shawn Corocher, a previously enrolled nurse who had worked in the emergency department of the Bundaberg Base Hospital. He is male, 42 years old, and was first registered as an enrolled nurse in October, 2007. In August 2012, his registration was suspended on account of several incidents of professional misconduct and in August 2016, he was given an interim prohibition order which indefinitely prohibited him from delivering any form of health service to any patient.

Mr. Corocher has been charged with criminal offences as well as boundary violations under the category of professional misconduct. He has also been accused of breaches of bail in 2012 and 2013. Between the years 2010 to 2013, Mr. Corocher engaged in stealing, fraud, and attempted fraud making it a total of 21 incidents, for which he was imprisoned for 2 years and 9 months after undergoing trial at the District Court at Bundaberg. When Mr. Corocher was working as an enrolled nurse, he stole the bank cards of vulnerable victims and tricked them into disclosing their ATM PIN number. Then, he used those cards to withdraw large amounts of money from the ATM, amounting to around \$22,000. During this trial, he gave evidence denying his guilt, despite which he was convicted and sentenced to imprisonment.

The final offence that took place in 2013 was that of fraudulently acquiring the ATM card of a 70-year old woman with cognitive impairment, and withdrawing around \$43,000 from the ATM. For this incident, he underwent trial at the District Court at Bundaberg during which he pleaded guilty. Mr. Corocher did not deny the accusations and stated that he would not like to provide any evidence regarding these offences. Following this trial, he was convicted and sentenced to imprisonment for 2 years and 6 months.

Apart from this, Mr. Corocher accessed the personal contact details of 4 female patients and contacted them through calls and messages in the months of April and May 2012. These were patients who had visited the hospital and sought medical treatment at the facility. This was a breach of privacy of the patients' personal information which instilled feelings of mistrust and fear in the patients. This act of inappropriately accessing the contact information of patients was not denied by Mr. Corocher.

Mr. Corocher had conducted theft of the bank cards and stolen money from the patients' bank accounts in 11 instances. He didn't completely deny these allegations, so he was found guilty and sentenced to imprisonment for 2 years and 9 months in 2015. Following this, the Health Professional Tribunal was held, which also found Mr. Corocher guilty for theft, fraud, and breach of privacy of the patients, all being instances of professional misconduct. It was found that Mr. Corocher did not uphold his honour and duty as a nurse because he stole from helpless and vulnerable victims taking advantage of their illness. Additionally, contrary to what was expected from a nurse, he did not care about the financial and emotional distress that he inflicted on his patients. As a result, due to these offences, his registration as an enrolled nurse was disqualified indefinitely.

**2. Analyse the case, using the language of the Profession definitions to explain why this situation occurred (500 words).**

Mr. Corocher was charged with theft of bank cards from patients, fraudulent behaviour where he tricked the victims into disclosing their ATM PIN numbers, and withdrawal of large amounts of

money from the ATM using the stolen cards. This points to dishonesty on the part of the nurse because of thefts, fraud, and stealing money from someone else's account. Dishonesty in the nursing profession is a very dangerous attribute because it can lead to dangerous errors, shifting blame, shirking responsibility, and being unaccountable for one's actions. There may be many instances in the professional life of a nurse who works in the emergency department where the slightest mishap can cost a patient's life. In such situations, when nurses cannot be trusted to do the right thing, it can cultivate mistrust in the relationship between the patient and the nurse, leading to dissatisfaction in the healthcare service delivery.

As the nurse had conducted criminal offences on several instances involving the patients directly, it clearly indicates that the nurse has no consideration for the mental, emotional, and financial well-being of the patient. He was ready to put his needs above his patients' needs, which is completely against the professional code of ethics of nursing. The profession of nursing requires the nurse to provide holistic care to the patient, always keeping in mind the patients' well-being and general health status. Given that the nurse used every opportunity to steal from the patients shows that he did not care for the patients' health and well-being at all, and he would put his patients at risk to ensure that his own needs are met. Especially in the emergency department, patients are often vulnerable and battling with extreme emotional and/or physical distress. The level of healthcare services required can also drain the finances of the patients and their families. Taking advantage of such patients in an extremely inhuman action that cannot be tolerated, especially in a nurse.

The nurse also obtained the personal contact details of the patients from the hospital records and contacted them through calls and messages. Patient information is confidential and accessing this information for reasons other than promotion of their health indicates a breach of privacy and violation of professional boundaries. Contacting patients for reasons not relating to healthcare indicates professional misconduct, and instills mistrust in patients regarding the entire healthcare system and submission of personal information.

The nurse conducted these criminal offences of theft and fraud repeatedly as indicated by a series of 11 such incidents over a period of 3 years. This points to a repetitive pattern of offence where the nurse had no remorse for conducting such offence and was ready to repeatedly engage in professional misconduct. This type of persistence in conducting thefts from vulnerable patients indicates a serious underlying psychological issue, which cannot be tolerated in a nurse. Patients trust nurses with their lives, and taking advantage of this deeply trustful relationship can plant fear and mistrust in the minds of patients against the healthcare system.

**3. In a personal reflection (200 words) explaining how your review of the case will influence your professional and personal behaviour in the future.**

In Mr. Corocher's words, he was going through a tough emotional and financial time when he conducted these criminal offences. However, the code of ethics of the nursing profession clearly states that the patients' health and well-being should be considered most important at all times. Patients' personal information and money should never be used without their permission for personal gains. Nurses should work hard in cultivating a relationship of unwavering trust so that they can provide the best healthcare services to their patients.

Having analyzed the case study, I understand that stealing money from patients is a very serious criminal offence as it puts patients through heavy financial distress during a time when they are already facing health issues and emotional turmoil. If I am ever going through a period of financial distress, I will find other legal means to meet my ends, and never think of stealing from my patients. My honour as a nurse instructs me to always place the health and well-being of my patients above all else. Also, I understand that the personal information of the patients is confidential and should only be used in situations pertaining to their health and welfare. Contacting patients outside of this context without their prior permission is unacceptable in the medical profession.